

5th February 1924]

## XVI

## THE TUTICORIN PORT TRUST BILL.

The hon. Sir CHARLES TODHUNTER :—“Sir, I beg to present the report\* of the Select Committee on the Tuticorin Port Trust Bill and to move that the Bill be taken into consideration.

“I think the Council will agree that the report of the Committee does not call for any long speech from me; but I should like to mention that it is a unanimous report and that the Committee included every Member of this House who is connected with the Tinnevely district in which the port lies and among them representatives of all the local interests concerned with the one exception of the Chamber of Commerce, the body which is perhaps more interested than any other.

“The only point of importance in which the Bill has been amended is as regards the representation of Indian trade on the Board. Here we found ourselves in a difficulty owing to the fact that there is at present no Indian Chamber of Commerce at Tuticorin. In order to secure the principle of election we have provided for election by the Municipal Council. But the Committee, fearing that that would not ensure the election of gentlemen interested in the sea-borne trade, have made an amendment of the Bill in order to secure that, if these interests are not represented by election, they should be represented by nomination. I have since proposed, in consultation with the Drafting Department, a further slight amendment to the Bill in this respect in order to avoid ambiguity. The other changes are for the most part verbal and involve no point of principle.

“I beg to move, Sir, that the Bill be taken into consideration.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“I second it.”

The motion that the Bill be taken into consideration was put and carried.

The hon. the PRESIDENT :—“It is now within my discretion to submit the Bill in whole or in part, or to submit it clause by clause. I take it that the Council prefers the latter method.”

*Clauses 1 to 4.*

No motions for amendments having been moved, clauses 1 to 4 were put to the House, passed and added to the Bill.

*Clause 5.*

The hon. Sir CHARLES TODHUNTER :—“I beg to move the following amendment :—

- ‘1. That the first two paragraphs be numbered as sub-clauses (1) and (2) and the word ‘Explanation’ inserted before paragraph 3’.

“The amendment is one of a formal nature and I do not think that it is likely to provoke any criticism. I formally move it.”

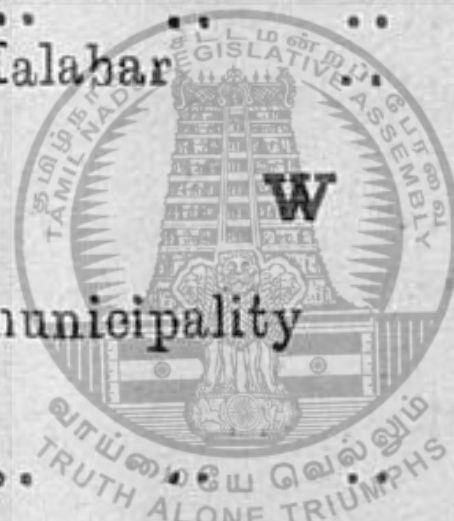
The hon. Mr. C. P. RAMASWAMI AYYAR :—“I second it.”

The amendment was put and carried.



## V--cont.

Vettar--		
Question re breaches made by the river --	.. .. .	274-275
Viceroy's visit--		
Question re arrangements in Madura in connection with His Excellency the --	.. .. .	24
Question re expenditure in connexion with His Excellency the --	.. .. .	23-24
Victoria College--		
Question re raising the status of the -- Palghat	.. .. .	390
Village establishments--		
Question re revision of --	.. .. .	356
Village grouping--		
Question re -- in the Kurnool district	.. .. .	431
.. -- in the Malabar district	.. .. .	431
Village officers--		
Questions re regrouping of --	.. .. .	289-290 347-348
Questions re statement showing number of -- affected by the regrouping of	.. .. .	
Qvillages	.. .. .	430-431
Questions re whose services were dispensed with under the regrouping of	.. .. .	
villages	.. .. .	43-44
Village Panchayats--		
Question re --	.. .. .	35
Village Shanbogues--		
Question re -- of South Kanara	.. .. .	43
Villages--		
Motion re stopping the further amalgamation of --	.. .. .	495-542
Question re regrouping of --	.. .. .	348
Questions re regrouping of -- in Malabar	.. .. .	431-432
Weights and measures--		
Question re -- in the Coimbatore municipality	.. .. .	45-46
Whip, issue of --		
Motion for adjournment re --	.. .. .	50, 90-119
Wicket Gates--		
Question re -- in Trichinopoly road and Mill road, Coimbatore	.. .. .	164





5th February 1924]

[Sir Charles Todhunter]

of Commerce. Then again, anticipating that the representatives of the Municipal Council may not be business men, we have made a further provision the effect of which is that, if they are not, two Indians engaged in sea-borne trade at Tuticorin will be nominated by the Government.

“ Now let us examine the results of these provisions upon the constitution of the Trust. Supposing we have, as is most desirable at the outset, the Collector as the nominated chairman. We have then three essential expert members—the Port Officer, the Executive Engineer and the Collector of Customs. This gives us a total of four, of whom the Collector and the Customs Collector may or may not be Indians. The Port Officer will be an European because there are no Indians holding the necessary qualifications for the post, and the Executive Engineer also is likely to be so because it is difficult to secure Indians with training in harbour engineering. This gives us a practical certainty of two Europeans and a possibility of four. There will then be three representatives of the Chamber of Commerce who will all be Europeans, two representatives of the Municipal Council who are likely to be Indians, and, since they are not likely to be Indians engaged in sea-borne trade, we may add two nominated Indian traders. This gives a total of eleven, of whom it is likely that at least five will be Europeans and at least four Indians. The Collector of the district and the Collector of Customs may be an European, one or the other. Supposing both are Indians, the hon. Member's purpose will be fulfilled. There will be six Indians out of eleven. Supposing one is an European, there will be five Indians out of eleven, but we could rectify the inequality by nominating another Indian. But supposing that both are Europeans, there would be no means of setting the matter right except by getting rid of one of the official members who would have to be the Collector. In other words, the adoption of the hon. Member's proposition would bring us back to exactly the same position as the adoption of his proposition that only three of the members shall be officials, viz., that we could never have an independent official in charge.

“ It would have this further effect, that we could not have an outside independent non-official if he were a European. Thus, supposing for the moment that we found that the agent of the bank or some other non-official possessed the confidence of all communities and was welcome as a non-official Chairman. We could not put him in that place except at the cost of ejecting one of the essential expert members for the time being. And in any case we should be barred from nominating a representative of the railway company, who is almost as essential as the official experts.

“ I hope I have said enough to show that the maintaining of the proportions which appear in the draft Bill is not a racial matter, but a question of getting the best men available for creating an essentially business body.

“ I have already said that the conflict of interests, if it exists, will be not between Indians and Europeans, but between different bodies of business men whatever race they may belong to, and I sincerely hope that no question will ever arise on which the Indians will be found ranged on the one side and the Europeans on another. Should such a case occur, however, I would ask the House to remember that the Indian non-officials will form a preponderating majority over the European non-officials and that the purpose for which the officials are proposed to be put on the Trust is not to take part in



[Sir Charles Todhunter]

[5th February 1924]

controversies of that sort, but to give expert advice in matters relating to the departments under their charge."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I quite agree with the hon. Member in charge of the Bill that we should not think of introducing any racial classification into the Bill. But in considering this provision you have to take the Bill as it stands. The Bill as it emerged from the Select Committee has introduced some qualifications and it is for us to see whether they require modification. In coming to a conclusion regarding this clause, I would point out that it is necessary to consider this clause along with clause 6 and the possible amendments to be embodied therein, so that the House may know as to how the Bill stands if some of the amendments are carried. It will be seen that in sub-clause (5) it is stated :

'The Board shall consist of such number of Trustees not being less than nine or more than thirteen including the Chairman and Vice-Chairman as the local Government may notify.'

and taking this number, i.e., nine as the basis, it is stated in sub-clause (2) of clause 5 'not less than three of the Trustees shall be Indians and not more than four shall be Government officials.' But clause 5, as stated above, makes a provision for not less than nine or more than thirteen including the Chairman and Vice-Chairman as the local Government may notify. Therefore, the proportion of Indians which has been fixed under this Bill, taking the total strength as nine, cannot be a correct proportion. If the Government makes up its mind to increase the strength to thirteen, and if you fix the strength of Indian Members as three and that of the Government officials as four, this cannot reasonably be expected to satisfy the Indians. There is no provision so far as the Bill goes for the augmentation of this number.

"May I also point out, Sir, that with reference to clause 6 it will be found in clause 6 (2) that provision will be made for the election of three Indian Trustees. In clause 6 (1) it is stated :

'Of the remaining Trustees three shall be elected by the Members for the time being of the Tuticorin Chamber of Commerce and two by the Members for the time being of the Tuticorin Municipal Council.'

"and in clause 6 (2) it is stated :

'An election under sub-section (1) shall be held subject to such directions prescribing the qualifications of the persons to be elected as may be given by the local Government with a view to securing that at least three Indians and not more than four Government officials shall be the Members of the Board.'

"I am trying to show by quoting these sections that according to the scheme of the Bill the three Indians provided for in section 5 (2) are Members who have to come to the Board by means of election, otherwise there is no meaning in clause 6 (2).

"The hon. the Leader of the House has given notice of an amendment to omit that sub-clause. I cannot anticipate the decision of the House upon an amendment which has to be moved hereafter. It will be seen that section 6, sub-section (4), states :

'The remaining Trustees, two of whom at least shall be Indians engaged in sea-borne trade at Tuticorin, shall be appointed by the local Government.'

"This amendment should not come in sub-section (2) of section 5. Therefore if we consider the combined effect of section 5 and section 6 and the possible amendments, the result is that two persons

3 p.m.



5th February 1924]

[The President]

business being transacted. As many days of this meeting as are necessary will be reserved for the official business of which notice has been given. As regards more days, I shall consider the matter very carefully in consultation with the hon. the Leader of the House."

## IX

## MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The hon. the PRESIDENT then conveyed to the Council the following Message from His Excellency the Governor regarding the manner in which certain communications are made by him to the Council :—

*Message.*

' With reference to Standing Order 69 of the Standing Orders of the Madras Legislative Council which recites two ways in which communications are made by the Governor to the Council, I desire it to be understood that the two ways mentioned in the rule are not exhaustive, and that I propose to continue the practice followed during the past three years in this Council, and which is common to similar Assemblies in other parts of the Empire, under which a less formal means of communication is adopted when the occasion is suitable. In particular, I propose to pursue the practice hitherto adopted under which my recommendation in relation to a proposal for the appropriation of provincial revenues is communicated through a Member of my Government.

28th January 1924.

WILLINGDON.'

## X

## ELECTION OF TWELVE MEMBERS TO THE SENATE.

The hon. the PRESIDENT then announced the names of the twelve Members elected as Members of the Senate from the non-official Members of the Council :—

- |  |   |
|--|---|
| 1. Rao Bahadur O. Tanikachala Chettiyar. | 7. Mr. B. Muniswami Nayudu.                             |
| 2. Mr. C. Ramalinga Reddi.               | 8. Rao Bahadur C. Natesa Mudaliyar.                     |
| 3. „ A. Ramaswami Mudaliyar.             | 9. Mr. A. Ranganatha Mudaliyar.                         |
| 4. Dr. P. Subbarayan.                    | 10. „ P. T. Rajan.                                      |
| 5. Rao Sahib U. Rama Rao.                | 11. „ C. Gopala Menon.                                  |
| 6. Mr. S. Arpudawami Udayar.             | 12. Khan Bahadur Haji Abdulla Haji Qasim Sahib Bahadur. |

## XI

## COMMUNICATIONS TO THE COUNCIL.

(1)

The SECRETARY laid on the table \* copies of—

(i) the order of His Excellency the Governor, published in the *Fort St. George Gazette* as notification No. 108, dated 18th December 1923, appointing M.R.Ry. Diwan Bahadur Lewis Dominic Swamikannu Pillai Avargal, C.I.E., I.S.O., as President of the Legislative Council ;

(ii) the order of His Excellency the Governor, published in the *Fort St. George Gazette* as notification No. 109, dated 18th December 1923, appointing M.R.Ry. Rasipur Varatha Krishna Ayyar Avargal, B.A., M.L., as Secretary to the Legislative Council ;

(iii) the order of His Excellency the Governor, published in the *Fort St. George Gazette* as notification No. 4, dated 17th January 1924, appointing M.R.Ry. Colattur Satagopa Achariyar Avargal, B.A., as Assistant Secretary to the Legislative Council.



[5th February 1924]

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Sir, I beg to move that in place of the word 'three' in paragraph 2 of clause 5, the word 'one-third' be substituted."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I beg to second it."

The clause as amended was put and carried.

The hon. Sir CHARLES TODHUNTER :—" Sir, I beg to move :

*'3. that in paragraph 2, clause 5, after the word 'Indians' the words 'of whom two shall be persons engaged in sea-borne trade at Tuticorin be inserted'.*

" This, again, is a formal amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Sir, I beg to second it."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Mr. President, Sir, I think that a small verbal amendment ought to be inserted here. I find these words in the amended sub-section 4 of section 6. The words 'at least' must also find a place here before the word 'Indians'. Having stated that two at least shall be Indians either from among the nominated or elected Members, that can be prescribed as a minimum."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Sir, 'two shall be' does not preclude that three may be. Two is only the minimum."

The amendment was put to the House and carried.

Mr. P. PEDDIRAJU :—" Sir, I beg to move :

*'That in paragraph 2 for the word "four" substitute "one-third".'*

" At present if there are nine Members, Government Members would be four. My amendment will show that if there should be even 13 Members the Government officials cannot be more than four. I think that Government will accept this. The Government can be satisfied with one-third of the trustees being officials."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Sir, I beg to second the motion."

The amendment was then put and carried.

#### Clause 6.

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I beg to propose the following Amendment:—

*'That in clause 6, sub-clause (1), the words "and Vice-Chairman" should be omitted.'*

"The reason for this amendment is shortly this. The Government propose to appoint both the Chairman and the Vice-Chairman. The object of my amendment is to leave at least the Vice-Chairman to be elected by the Trustees of the Board. I do not see any special reason why Government should have in their hand the powers of appointing both the Chairman and the Vice-Chairman. This is a Board in which some are elected and some are nominated. And I have no doubt that, in course of time, the Indian influence will be felt in this board. Secondly, it is desirable that members



5th February 1924] [Mr. T. M. Narasimhacharlu]

of the board shall have the power of appointing one of their own members as vice-chairman, both with the object of helping the chairman and also of learning the art of administering that particular board. It is with that view, Sir, that this amendment has been proposed. Later on, it will be seen that I propose also that the vice-chairman shall be elected by the members of the board. I move that the words 'and vice-chairman' be omitted from this clause."

Mr. C. GOPALA MENON :—"Sir, I beg to second the motion."

The hon. Sir CHARLES TODHUNTER :—"Sir, while I am anxious to meet the hon. Member as far as possible, I venture to think that he is asking me to go a bit too far in his direction on this occasion.

"In the first place, I should like to point out that there is none among all the large Harbour authorities in India that has accepted the principle of election which he urges, and if therefore we accepted his amendment, we should have the spectacle of the precocious infant of Tuticorin in the leading strings of its nursery maid from Cuddapah showing the way to the staid old bodies at Calcutta, Madras and Bombay. I venture to think it wise that the infant should learn to walk before it tries to run, especially since it cannot always have its nursery maid in attendance.

"Nor is it right to draw analogies from the case of local self-government. Sir Chimanlal Setalvad, in introducing a similar Bill in the Bombay Legislative Council, laid great stress on the fact that a Port Trust is a business body and not a training ground in local self-government. Moreover, the interests represented are quite different. A municipality consists of representatives of rate-payers whose interests are all homogeneous and who can therefore easily elect a chairman who will represent them. The case of a Port body is different. The interests there cannot, by any means, be called homogeneous. There are the representatives of the owners of ships who pay the port dues and charge the freight. There are interests of the landing and shipping agents, who have capital invested in lighters and levy charges from the importers and exporters of goods. And there are importers and exporters of goods who pay the tariff fixed on goods, the charges of the landing and shipping agents and the freight charged by the steamer companies. In addition to all these, there are expert or official interests.

3-15 p.m. "It will be evident that it is by no means an easy matter to secure a proper balance of power among all these conflicting interests, that it is quite a different thing to allow them to elect a chairman from allowing the representatives of the tax-payers in a municipality to elect a chairman from among their members.

"In the next place, I should like to point out that one of the two, the chairman or the vice-chairman, will have ordinarily to be the administrative officer of the Trust and for that purpose a full-time officer. And if we are forced by this amendment to insist that the vice-chairman should be an elected non-official, we are also forced into the position that we must once appoint a full-time official chairman. Now, I have no doubt that in course of time we shall find it desirable to do so. But I very much doubt if the port can afford an officer of the class in question at the outset, and in fact, I am inclined to think that the present arrangement, according to which



[Sir Charles Todhunter]

[5th February 1924]

the works are done by the Harbour Engineer's Department on payment of a percentage on the estimates, is as cheap and satisfactory an arrangement as can be made.

"In fact, the arrangement which I was contemplating at the outset was to let the Port Officer, who has hitherto carried on most of the administrative duties of the port, continue to do so in the capacity of vice-chairman, until we see how the balance of interests works out, and until the Trust has had time to find its feet, to let the Collector of the district, or the Sub-Collector if he is an officer of sufficient seniority, give his general administrative experience to directing matters from the chair. This arrangement again will, of course, be impossible if the amendment is accepted.

"I have given much anxious thought to the question whether I could not find some course that will meet the wishes of the hon. Member without involving us from the outset in the difficulties to which I have referred. The best I have been able to devise since the receipt of the notice of his amendment is, instead of adopting the various changes which he proposes to introduce throughout the Chapter, to add at the end of the Chapter a clause making it legal for the Government to declare by notification that the post of vice-chairman shall be declared elective subject to rules prescribed. I have an amendment in these terms ready here, and with your permission, Sir, and the permission of the House, I shall be willing to move it when we reach the close of the Chapter (clause 22). I hope that this undertaking will satisfy the hon. Member and serve him in lieu of the amendment which he has put forward."

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, before trying to meet the hon. the Leader of the House, I have to say one or two words in reply to what he said. He seems to think that a Member from Cuddapah situated as it is far from any port, has got very little to do with any port. But I beg to remind him that I am an Indian and the port concerned is an Indian port.

"The hon. the Leader of the House seems to think that we Indians always require the help of a nursery maid, whatever may be our attainments and whatever may be the length of time that we remain under the benign grace of the British Government. He seems to think that we should begin always under the nursery maid of the British. I must tell him that it shall not be so.

"The hon. the Leader of the House says there is no such precedent at all either in Bombay or in Calcutta or in Madras or in any other part of the Empire. Well, Sir, my answer to that is this: Those Acts were passed in pre-Reform days when democratic ideals had not taken root in the hearts of the people. We are now trying to legislate for new ports. Let us not lag behind in our democratic ideals and let us not hesitate to introduce the elective franchise as much as possible wherever it can be done. Therefore, Sir, the analogy of the three ports mentioned by the hon. the Leader of the House has nothing to do with the legislation in question.

"As regards the other details referred to by the hon. the Leader of the House, I quite appreciate them and certainly it is not my desire to bring difficulties in the way of the smooth and successful working of this port. On the assurance of the hon. the Leader of the House I have no objection to withdraw my amendment at present."



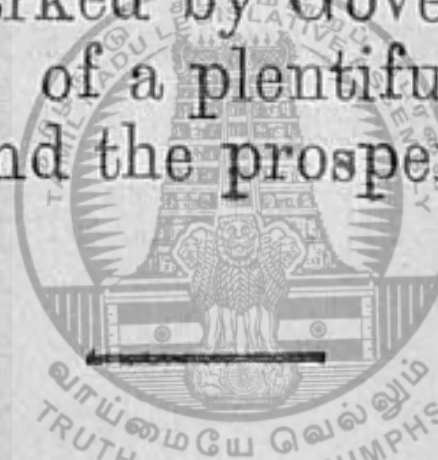
5th February 1924]

## APPENDIX II.

[Vide answer to question No. 127 asked by Mr. M. R. Seturatnam Ayyar at the meeting of the Legislative Council held on the 5th February 1924, page 42 supra.]

*Extract of paragraph 29 of B.P. No. 305, dated 22nd January 1858.*

29. In Tanjore when assessed lands were planted with topes, the practice is to suspend the assessment and substitute a tree tax which is collected on all fruit bearing at fixed rates for each kind. In reply to the Board's enquiry whether it would not be advisable to abolish the system and levy the land tax always, the Collector replies that the change would be disadvantageous to the Government and the people. To the former it would cause an immediate loss of revenue to the amount of Rs. 14,478-4-1, while as regards the latter it would remove the encouragement which is now given to keep up and extend valuable plantations by no charge being made for the land while the trees are young and fruitless. Although therefore the toll system is cumbrous and has some disadvantages as remarked by Government, it has procured for this Province the great desideratum of a plentiful supply of valuable fruit trees and has increased the revenue and the prosperity of the landholders.



*Extract of paragraphs 2 and 3 of Board's Resolution No. 9542, dated 17th December 1892.*

2. The tree-tax system of Tanjore is peculiar to the district. The question whether it should be abolished and a land tax substituted for it was considered in 1855-58, but it was decided that it should be maintained as it gave very satisfactory results in the encouragement of tree-planting. So recently as in 1885 also Government held the opinion that no change should be made in the existing practice of the district.

E.M.C. No. 298, dated 6th March 1858.  
G.O. No. 448, dated 20th April 1885.  
G.O. No. 42, dated 20th January 1886.  
G.O. No. 117, dated 13th February 1886.

3. Under this system which applies only to fruit trees, there are different rates for the different kinds of fruit trees. Trees on inam and patta lands and on private porambores, such as Asamikarai (margins of fields) and backyards attached to house-sites, were exempted from tax in E.M.C. No. 655, dated 31st May 1855, paragraph 7, and E.M.C. No. 298, dated 6th March 1858, paragraph 10, but it is not clear whether full effect has been given to the exemption as regards trees situated on field banks. Generally, however, the tax is now confined to topes other than those planted under the tope rules and to trees on waste land, assessed or unassessed, or poramboke. The tax is levied when the trees begin to bear and private individuals are allowed to plant them on waste and poramboke lands. The trees thus taxed are treated as the property of the mirasidar or ryot who pays the tax, and he is at liberty to fell or otherwise dispose of them at his pleasure.



[Mr. A. S. Krishna Rao Pantulu] [5th February 1924]

gives power to the Government to publish a notification in the *Fort St. George Gazette* authorizing the trustees to elect a vice-chairman under certain conditions, but nobody knows how many years it may take for the issue of that notification. Even when power to appoint presidents of local boards was given in 1884, under an Act which was passed in Lord Ripon's time, it took nearly 40 years for the Government to make such appointments in District Boards. Therefore, I do not think we can look very hopefully for anything substantial being done by the acceptance of the amendment which is going to be moved by the hon. Sir Charles Todhunter. Now that Mr. Narasinhacharlu has withdrawn his amendment, I think the next best thing will be to insist upon one of them being an Indian. Because, if the Governor makes up his mind to appoint an Indian, the necessary training may be given to him afterwards. How often does it happen that some appointments are made and persons are sent abroad for the purpose of gaining experience. If the Government is prepared to get an Indian trained, if necessary, in these administrative matters, I am quite certain that it is possible to find a way to satisfy all these requirements. I think this amendment deserves to be accepted by this House, especially when the House failed to secure an elected vice-chairman."

Mr. A. J. LEECH :—" Sir, I wish to say a few words on the amendment before the House. I am of opinion that it would be ill-advised to have an elected vice-chairman or to have an Indian as chairman or vice-chairman. I do not think the Port would agree to have a highly-paid engineer as chairman as we have in Madras. In the absence of such a chairman, the vice-chairman will have to do most of the work and it is not possible to expect an elected vice-chairman to do all the work. I think it would be much better to accept the hon. the Finance Member's suggestion."

Sriman BISWANATH DAS Mahasayo :—" Mr. President, Sir, England has taken upon herself the high responsibility of training Indians in all institutions of self-government. It pains me to hear the hon. Sir Charles Todhunter, representing the best minds of England, saying that Indians have yet to be trained to manage a port. This sort of pretext, I am sure, will not deceive even a child. The amendment of my hon. Friend from Kistna asks for the appointment of an Indian officer to be the chairman or vice-chairman."

" Well, Sir, the option is left to the Government. If they think that an Indian is not yet fit to be entrusted with the charge of being a chairman, they can nominate or see that an Indian is elected. I quite realize the difficulty of placing restrictions when we give the franchise of election to a board of trustees. They can nominate an Indian as vice-chairman or they can nominate an Indian as chairman, and that would be quite reasonable. I would appeal to the hon. Sir Charles Todhunter to think as to what would be his anxiety if proposals are brought forward and considered in the British Parliament for having Indian trustees in the port of Liverpool. I am sure the English people would resent it. Sir, in asking for this small thing, I am sure we are not asking for the moon. Then, the next thing is a comparison between the old Local Boards Act and this Bill. I think it is a good comparison because the district board presidents' posts were occupied by Collectors ex-officio and still the office of the vice-chairman was left open for election. Similarly, this place, be it by election or nomination, may be



5th February 1924] [Sriman Biswanath Das Mahasayo]

reserved for an Indian. There is no trouble and I do not think it would place any restriction on the Government. I would therefore appeal to him and his better sense to accept the very reasonable proposal of my hon. Friend from Kistna."

Mr. P. PEDDIRAJU :—" Sir, of course, the only objections that were put forward by the hon. the Leader of the House are that he may not be able to get an efficient Indian who is a man with business capacities. I am sorry that the Leader of the House with such experience of India could not find people fit to be chairmen or vice-chairmen of a single port trust. The Government have been able to find Executive Council Members and Chief Engineers for Irrigation; but all the same it is a pity that when a Chief Engineer could be found for this Presidency, an engineer who can be a vice-chairman and an Indian cannot be found for a single port trust. My hon. Friend, the Leader of the House, also said that an engineer or a collector of the same place may have to be appointed vice-chairman of the port trust. Among collectors there are several Indians, and any one of these may be appointed as collector of the place and also be appointed vice-chairman. All that I want is that Indian talent and patriotism should be used in improving the ports. So, I hope that the hon. the Leader of the House will at least accept this slight amendment."

The hon. Sir CHARLES TODHUNTER :—" Mr. President, I have listened with very great interest to the various proposals by means of which we can get over the difficulties which I have ventured to point out in regard to this matter. One of them, as I have already suggested, is to impose restrictions on the freedom of election, but this is by no means the only sort of restrictions suggested in order to secure this desirable end. First of all, taking them in the reverse order, the hon. Gentleman who has just sat down suggests that we should reserve the Tinnevely district always for an Indian Collector. Now, is it seriously proposed that, in order to have an Indian vice-chairman for the Tuticorin Port Trust, we should always in perpetuity reserve that one particular district for a Collector of one particular race?

"Then, he went on to say that we could get Indians as Executive Councillors and Chief Engineers, but Executive Councillors and Chief Engineers . . . ."

Sriman BISWANATHA DAS Mahasayo :—" May I add Governors also?" (Laughter.)

The hon. Sir CHARLES TODHUNTER :—" Yes, and Governors also. May I say, Sir, that even Governors get salaries and is it going to be very easy for this struggling little infant body to pay the salary of a Chief Engineer or an Executive Councillor or even a Governor in order to secure the desirable end of having the vice-chairman of the port trust of a particular race?

"Another hon. Gentleman appealed to my better sense. I am going to repeat the appeal to him. He asked me what I would say if an Indian trustee were appointed to the port of Liverpool. My answer is, if he was a competent person, that would be a splendid thing. He said again that even a child would not be, deceived by the quotation which I have made



[Sir Charles Todhunter].

[5th February 1924]

from a speech by Sir Chimanlal Setalvad. Well, I am not a child, but I agree entirely with what Sir Chimanlal Setalvad said, namely, that this is a business matter and that a body such as a port trust should not be treated as a training school for local self-government. He again said that we must get Indian officers for these administrative posts, and the hon. Member Mr. Krishna Rao said that of course we could do that and could send them to England or somewhere else to be trained. But my difficulty is that the proposition is to make this condition at once. We are at the very beginning of the constitution of the port trust, and the effect of his proposal would be to hold up the constitution of the port trust until we had had a gentleman trained in maritime engineering and he was ready to take over the direction of the work. Or are we to leave over the constitution of the port trust until the Indian Mercantile Marine is constituted and we can secure an Indian officer who has secured a first mate's certificate to take up the work of the port officer?

"I have said, Sir, that we are very anxious to help hon. Gentlemen in this matter and I have already offered to propose an amendment which I think will go a very long way to meet their wishes. But here we have got conflicting interests. One of these two posts which we have put down in the Bill must be filled by an administrative officer, and that administrative officer, by reason of the nature of the post, may have for the time being to be a European. Therefore, if we are compelled to appoint an Indian to the other post, we must choose him for the post which is not administrative, and we wish to fill that post by election. Therefore, we must tie our hands in respect of the person to be elected. It seems to me there is no escape from that position and that the two things are not compatible. As I have said already, we are anxious to see Indian trade develop. But we are already making a very big experiment in constituting a port trust at all, and in making that experiment want to start by having the present administrative officer to work with the help of the Collector of the district until the trust has been got into working order. When that has been done it will be time to think of making the vice-chairmanship elective or of prescribing that it shall be held by an Indian. If you pass this amendment, you will either prevent our doing all this or will compel us to earmark a particular district for an Indian Collector. There is nothing more objectionable than transfers of officers, and I don't think that Members will wish to inflict a transfer on Tinnevely for such a reason."

Rao Bahadur CRUZ FERNANDEZ:—"I support the suggestion made by the hon. the Leader of the House, especially as this Port Trust Bill is in its infancy. Let me say at once that I was in favour of election of the vice-chairman or that he should be an Indian, but since the answer and the assurance given by the hon. the Leader of the House, I am inclined to think that it is not so necessary to have an Indian now. The House has got ample opportunities and time enough to introduce such kinds of amendments as this, and therefore we need not insist on this amendment now. With these words, I support the suggestion made by the hon. the Leader of the House."

The amendment of Mr. Peddiraju was then put and declared lost.



5th February 1924]

On the motion of Rao Bahadur A. S. Krishna Rao Pantulu, a poll was taken, and the House divided thus:—

*Ayes.*

- |   |   |
|---|---|
| 1. Rao Bahadur C. Natesa Mudaliyar.       | 23. Mr. C. V. Venkataramana Ayyangar.           |
| 2. „ T. A. Ramalinga Chettiya.            | 24. Rao Sahib T. C. Tangavelu Pillai.           |
| 3. Mr. C. Ramalinga Reddi.                | 25. Diwan Bahadur M. Krishnan Nayar.            |
| 4. Rao Bahadur A. S. Krishna Rao Pantulu. | 26. Mr. S. Satyamurti.                          |
| 5. „ C. V. S. Narasimha Raju.             | 27. „ T. Adinarayana Chettiya.                  |
| 6. Mr. P. Siva Rao.                       | 28. „ C. Maruthavanam Pillai.                   |
| 7. „ A. Chidambara Nadar.                 | 29. Rao Sahib U. Rama Rao.                      |
| 8. „ K. Kotti Reddi.                      | 30. Mr. G. Rameswara Rao.                       |
| 9. „ P. Anjaneyulu.                       | 31. „ P. C. Venkatapati Raju.                   |
| 10. Sriman Biswanath Das Mahasayo.        | 32. „ Abbas Ali Khan.                           |
| 11. Mr. M. Gangarazu.                     | 33. „ G. Abdulla Ghatala Sahib.                 |
| 12. „ S. Muttayya Mudaliyar.              | 34. „ Abdul Hye Sahib.                          |
| 13. „ C. Gopala Menon.                    | 35. Khau Bahadur P. Khalif-ul-lah Sahib.        |
| 14. Rai Bahadur T. M. Narasimbacharlu.    | 36. Mr. T. M. Moidoo Sahib.                     |
| 15. Mr. P. Peddiraju.                     | 37. „ Muhammad Moosa Sait Sahib.                |
| 16. „ V. C. Vellingiri Gounder.           | 38. „ T. N. Bava Ravuttar Muhammad Sahib.       |
| 17. „ J. A. Saldanba.                     | 39. Khan Sahib Saiyid Diwan Abdul Razaak Sahib. |
| 18. Sriman Sasibhushan Rath Mahasayo.     | 40. Mr. K. Uppi Sahib.                          |
| 19. Mr. M. Seetayya.                      | 41. Munsbi Abdul Wahab Sahib.                   |
| 20. „ M. R. Seturatnam Ayyar.             | 42. Mr. Janab Muhammad Yahya Ali Sahib.         |
| 21. „ R. Srinivasa Ayyangar.              |   |
| 22. „ Sami Venkatachala Chettiya.         |   |

*Noes.*

- |   |  |
|---|--|
| 1. The hon. Sir Charles Todhunter.          | 16. Mr. Bradford Leslie.                 |
| 2. „ Sir Arthur Knapp.                      | 17. „ Ari Gowder.                        |
| 3. „ Mr. C. P. Ramaswami Ayyar.             | 18. „ S. Arpudaswami Udayar.             |
| 4. „ the Raja of Kollengode.                | 19. Rao Bahadur Cruz Fernandez.          |
| 5. „ the Raja of Panagal.                   | 20. Rao Sahib P. V. Gopalan.             |
| 6. „ Rao Bahadur Sir A. P. Patro.           | 21. Rao Bahadur K. Krishnaswami Nayudu.  |
| 7. „ Diwan Bahadur T. N. Sivagnanam Pillai. | 22. Mr. B. Maniswami Nayudu.             |
| 8. Mr. R. W. Davies.                        | 23. „ C. Muttayya Mudaliyar.             |
| 9. „ E. W. Legh.                            | 24. „ P. C. Muttu Chettiya.              |
| 10. „ C. Madhavan Nayar.                    | 25. „ B. Obalesappa.                     |
| 11. „ P. L. Moore.                          | 26. „ K. S. Ponnuswami Pillai.           |
| 12. „ G. F. Paddison.                       | 27. „ J. D. Samuel.                      |
| 13. „ H. Tireman.                           | 28. Sir K. Venkatareddi Nayudu.          |
| 14. „ J. A. Davis.                          | 29. Rao Bahadur O. Tanikachala Chettiya. |
| 15. „ A. J. Leech.                          | 30. Mr. J. L. P. Roche Victoria.         |

*Ayes* 42.

*Noes* 30.

The motion was carried.

*Clause 6, Sub-clause (2).*

3-45 p.m. The hon. Sir CHARLES TODHUNTER :—“ Mr. President, I beg to move

“ *That sub-clause (2) be omitted and the subsequent sub-clauses be re-numbered.* ”

“ This is consequent on the amendment to clause 5 which has already been accepted.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I second it.”

The motion was put and carried and the amendment made.

Mr. P. PEDDIRAJU :—“ Sir, in view of my amendment to clause 5, I think the next amendment standing in my name does not arise.”



[5th February 1924]

The hon. Sir CHARLES TODHUNTER :—" May I submit, Sir, that the sub-clause has been omitted, so that the next three amendments fall out ? "

*Clause 6, sub-clause (4) now numbered (3).*

The hon. Sir CHARLES TODHUNTER :—" Sir, I beg to move an amendment as follows :—

*Omit the following words in existing sub-clause (4) :—*

*' two of whom at least shall be Indians engaged in sea-borne trade at Tuticorin.'*

Again, Sir, this is a consequential amendment to the amendment already carried to clause 5."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The amendment was put and carried.

The hon. Sir CHARLES TODHUNTER :—" I beg to move, Sir

*That at the end of the existing sub-clause (4), the following words be added :—*

*' with due regard to the provisions contained in sub-section (2) of section 5.'*

" This is a further consequential amendment with reference to the amendment to section 5 which has just been carried."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The amendment was put and carried.

Clause 6 was then put, passed and added to the Bill.

#### *Clause 7.*

There being no amendments to clause 7 the clause was put, passed and added to the Bill.

#### *Clause 8, Sub-clause (1).*

Mr. P. PEDDIRAJU :—" Sir, I want to add an additional sub-clause (f) to clause 8 (1). The amendment runs as follows :—

*Add the following as item (f) :—*

*' (f) is a white born British subject of any British colony unless specially exempted by the Local Government'.*

" The reasons which prompted me to move this amendment are all known to this House. Last time, hon. Members of the House discussed about the boycott of the British Empire Exhibition, and the reasons which prompted the Members of this House to vote for that Resolution also prompted me to bring in this amendment. Hon. Members are aware how the Indians are being treated in all these colonies. The Colonial Governments won't allow Indians to live in good places, won't allow them to trade, won't grant them licences, and now this amendment—a small amendment indeed when compared with the hardships imposed upon us—that the white born British subject of any British colony should not be allowed to be a trustee of the port of Tuticorin is a small thing. I have also added a conditional clause to my



5th February 1924]

[Mr. P. Peddiraju]

amendment, viz., 'unless specially exempted by the Local Government', with a view to see that if there is a colony which is in good terms with the Indians, that particular colony may be exempted.

"I think I need not add anything upon this subject at length, because last time we have discussed the whole subject, and so I submit that this amendment may be accepted by this House."

Sriman SASIBHUSHANA RATH Mahasayo:—"I second it."

The hon. Sir CHARLES TODHUNTER:—"Mr. President, the hon. Member has, I think, demonstrated to the satisfaction of himself and the whole House that his amendment has nothing to do with Ports or Trusts or Tuticorin. It is therefore only necessary to enquire whether it serves any purpose at all.

"The purpose which, I take it, he claims that it serves is this: he has been hurt in his feelings; he wants to pass that hurt on to somebody else; he does not mind whom, and he hopes by this amendment to do so.

"I say nothing about the morality or even the wisdom of such a proceeding. I will simply consider whether, assuming his purpose to be what it is not, a wise and moral one, he has any chance of effecting it.

"The first essential to that end is that it became known. Now, although we have, at the instance of hon. Members, reduced the price of the proceedings of the Council far below cost, they have not yet become really popular literature. In fact I believe one can count the subscribers on one's fingers. One cannot, therefore, hope that an obscure section in an obscure Bill will be widely circulated through this means. What then is to be done? How are we to notify to the millions of Australia, Canada and the West Indies, to Borneo, Sarawak and Weihaiwei, to Tristan da Cunha, Papua and Saskatchewan, and to the 70 inhabitants of Pitcairn Island, that no one born there and born white may hereafter for ever aspire to become a member of that august body, the Tuticorin Port Trust—save with the sanction of the Local Government? Are we to broadcast it, or must we ask the Colonies to notify it themselves in their gazettes? Or shall we apply for the assistance of the genial Mr. Punch? Macaulay once drew a picture of a New Zealander sitting on London Bridge sketching the ruins of Saint Paul's. Could we induce Mr. Punch to duplicate this with a cartoon of a New Zealander sitting on the bridge we are building over the Uppar Odai looking longingly at the portals of the harbour buildings from which the hon. Gentleman had excluded him?

"And even if we did, would it excite melancholy or even wrath among the readers? Let us try to apply a similar instance to ourselves. Suppose that New Zealand disliked the quarantine laws of Australia and therefore issued a decree that no member of the Empire, including India, should be a member of the Waimakarera Drainage Board. Would agitators furiously rage or the people imagine a vain thing? Would orators orate and deputations depute? I think not. I fear that if New Zealand's action was noticed at all, the only person who would be likely to pay the slightest attention to it would be Mr. Doodle, and that the only paper that would notice it would be that known as Mr. Doodle's Weekly."

Mr. S. SATYAMURTI:—"Mr. President, Sir, I am sorry I cannot follow the jocular vein in which the hon. the Leader of the House seems to view the whole question. I do not want to introduce any racial bias into the



[Mr. S. Satyamurti]

[5th February 1924]

discussion, but I cannot help feeling this, Sir, that if in his place an Indian has been sitting as the hon. the Leader of the House, I am sure he would not have indulged in this cheap joke on the question of the dignity and honour of this nation which has been brought up before this House in a mild form and the only way in which we can bring it. I ask the hon. the Leader of the House whether, if Englishmen had been treated in Germany or in France, as Indians are treated in these Colonies, any English Prime Minister would dare to get up in the House of Commons and oppose an amendment like this, in this cheap jocular vein in which the hon. the Leader of the House has spoken on this motion. I must protest against the way in which these discussions are being reduced to the level of mere exchange of jokes on one side or the other. My hon. Friend has raised a very important matter. We feel that we Indians are being treated as helots and as slaves in His Majesty's British Colonies. This is one occasion when the matter has come before us. When we are going to disqualify X, Y or Z, we ask that to the extent to which we have the power to do so, this Council as representing the wishes and the opinions, and, may I add, the sentiments of thousands of people, may add an amendment saying that those who treat us badly shall be treated as they treat us."

The hon. the PRESIDENT:—"I am afraid I must interrupt the hon. Member. It is now 4 o'clock and we have to begin the debate on the Adjournment motion. The hon. Member will be at liberty to resume his speech to-morrow morning."

#### VII. MOTION FOR THE ADJOURNMENT OF THE HOUSE—cont.

The motion of Mr. Sami Venkatachalam Chettiyar for adjournment  
4 p.m. of the business of the House to discuss a matter of urgent public importance was then taken up.

The hon. the PRESIDENT:—"Before we begin the debate on the motion before the House, I have to draw the attention of hon. Members to the Standing Order on the subject, namely, Standing Order 23, which says:

'The debate on a motion to discuss a matter of urgent public importance, if not earlier concluded, shall automatically terminate at 6-30 p.m., and thereafter no question can be put.'

"The second clause of the same Standing Order says:—

'No speech during the debate shall exceed 15 minutes in duration.'

"I have not so far imposed any time limit. But hereafter, during this debate, the time limit will be enforced, because this is a motion on which many hon. Members of the House may desire to speak.

"Clause 2 of Standing Order 23 goes on to say:

'Provided that it shall be within the discretion of the President to allow the Mover and the Government Member answering him to exceed the said limit of time.'

"I shall allow the Mover to exceed the time limit once and so also the Government Member answering him."

Mr. SAMI VENKATACHALAM CHETTIYAR then made the following motion:—

"I beg to move the adjournment of the business of the House to consider a definite matter of public importance, viz., the issue of a Whip to support the Government by the hon. the Minister for Local Self-Government in connexion with the 'No-confidence' motion of Mr. C. Ramalinga Reddi."